

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Michael Panaccio, et al.

Serial No. 10/018,290 Group Art Unit: 1648

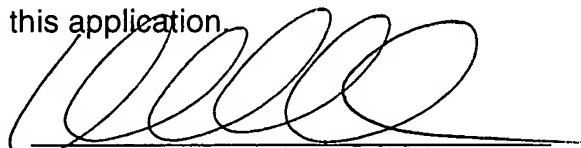
Filed: 04-16-02 Examiner: LUCAS, Zachariah

For: LAWSONIA DERIVED GENE AND RELATED  
OMPH POLYPEPTIDES, PEPTIDES AND PROTEINS  
AND THEIR USES

Attorney Docket No: 3153.00108

**AFFIDAVIT**

I, Kenneth I. Kohn, do hereby state that plasmid pALK13 (ATCC Accession Number 207196) has been deposited under the provisions of the Budapest Treaty and with the American Type Culture Collection, Manassas, VA 20110-2209, USA, April 13, 1999. The plasmid has been accepted by an International Depository Authority under the provisions of the Budapest Treaty. Moreover, all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application.



Kenneth I. Kohn, Reg. No. 30,955  
30500 Northwestern Highway  
Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Mailing Label No.: EV508826833US  
Date of Deposit: November 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Connie Herty



# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

**INTERNATIONAL FORM**

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Victorian Institute of Animal Science  
Attn: Dr. Meni Sinistaj  
475 Mickieham Road  
Attwood, Victoria 3049  
Australia

Deposited on Behalf of: Agriculture Victoria Services

Identification Reference by Depositor:

ATCC Designation

*Escherichia coli* containing plasmid pALK13 containing DNA insert from  
*Lawsonia intracellularis* VIAS001

207196

The deposit was accompanied by:  a scientific description  a proposed taxonomic description indicated above. The deposit was received April 8, 1999 by this International Depository Authority and has been accepted.

AT YOUR REQUEST:  We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested April 13, 1999. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey, Administrator, Patent Depository

Date: April 13, 1999

cc: Adrian Trioli

**BEST AVAILABLE COPY**